

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JOSE DELTORO-AGUILERA,)

Defendant.)

8:95CR00146

**MEMORANDUM
AND ORDER**

After considering the government's response and brief ([filing 505](#)) regarding the defendant's pro se "motion for the entry of judgment in separate document pursuant to [Fed. R. Civ. P. 58\(a\)\(d\)](#) in regard to order denying motion [28 U.S.C. § 2255](#)" ([filing 500](#)) and my previous memorandum and order ([filing 501](#)), realizing the importance of this matter and the lack of Eighth Circuit precedent, I have decided to appoint counsel for the defendant. Counsel for the defendant will be directed to brief this case, and I will give the government an opportunity to respond. After that, I will decide whether to grant or deny the pending motion.

IT IS ORDERED that:

1. The Federal Public Defender for the District of Nebraska, or one of his assistants, is appointed to represent the defendant.
2. The Federal Public Defender (or his assistant) shall promptly enter his appearance. The Federal Public Defender (or his assistant) shall file a brief on or before July 25, 2008 addressing (a) the questions presented in the motion ([filing 500](#)); (b) the questions presented in my earlier memorandum and order ([filing 501](#)); and (c) the questions presented in the government's brief and response ([filing 505](#)) to my earlier memorandum and order.

3. The government shall have until August 8, 2008 to submit a responsive brief.

4. My chambers shall provide the Federal Public Defender with a copy of this memorandum and order, [filing 500](#) (the motion), [filing 501](#) (my previous memorandum and order) and [filing 505](#) (the government's brief and response).

5. My chambers shall call this matter to my attention on August 9, 2008.

6. A copy of this memorandum and order shall be mailed to the defendant at his last known address.

July 1, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge